

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-002137

12/19/2013

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT

N. Nowak

Deputy

IN RE THE MATTER OF
SHANNON FINDLAY

CHARLES E MCTHENY

AND

STERLING LYNN FINDLAY

ANDREW J VAN LOON

ALTERNATIVE DISPUTE
RESOLUTION - CCC
DOCKET-FAMILY COURT CCC
FAMILY COURT CONFERENCE
CENTER-CCC
FAMILY COURT SERVICES-CCC

RESOLUTION MANAGEMENT CONFERENCE

Courtroom 002 (OCH)

1:42 p.m. This is the time set for a Resolution Management Conference regarding Petition to Modify Legal Decision Making, Parenting Time, and Child Support filed by Respondent on September 24, 2013 and Petitioner's Response to Petition to Modify Legal Decision Making, Parenting Time, and Child Support/Enforcement of Child Support Arrears filed on October 28, 2013. Petitioner/Mother, Shannon Findlay, is present and represented by above-named counsel. Respondent/Father, Sterling Lynn Findlay, appears telephonically and is represented by above-named counsel and counsel David Mize.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court.

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LET THE RECORD REFLECT that Shannon Findlay's name is now Shannon Buchanan.

Counsel advises the Court that the parties have reached certain agreements, which are dictated into the record by the Court in the presence of both parties and counsel. The agreements may be summarized as follows:

- Child support paid by Father from July 1, 2013 through today shall be credited towards Father's child support arrearages.
- Child support payments by Father shall be terminated until a new order has been made.
- An arrearage calculation for Father shall be completed.

Both parties testify that the agreements stipulated to on the record are their agreements, that they understand the agreements and believe them to be in their best interests at this time, that no one has threatened, promised or coerced them in any way to get them to reach the agreements, and that the terms are fair and equitable.

THE COURT FINDS that the agreements reached by the parties this date are in the parties' best interests, are fair and equitable, constitute a binding agreement under Rule 69 of the Arizona Rules of Family Law Procedure (ARFLP), are adopted as an Order of the Court, and are immediately enforceable as such.

IT IS ORDERED that any child support payments made by Father from July 1, 2013 through today's date shall be credited towards Father child support arrearages.

IT IS FURTHER ORDERED terminating Father's child support effective this date.

LET THE RECORD REFLECT an Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation #410592

IT IS FURTHER ORDERED directing the Family Court Conference Center to provide an arrearage calculation for Father to the Court no later than May 1, 2014.

ALTERNATE DISPUTE RESOLUTION

IT IS FURTHER ORDERED affirming the settlement conference set for **April 11, 2014 at 8:30 a.m.** before Judge *Pro Tempore* Jessica Cotter. Counsel and/or the parties will receive a notice from ADR setting forth the necessary settlement conference information.

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Counsel and/or the parties should notify ADR (602-506-7884) when the parties reach an agreement prior to the scheduled settlement conference.

EVIDENTIARY HEARING SET

Both parties agree that a hearing of 2 hours is sufficient to resolve all of the remaining issues in this case. The remaining issues are:

1. Parenting time
2. Child support arrearages
3. Legal decision making

IT IS FURTHER ORDERED setting an **Evidentiary Hearing on May 5, 2014 at 10:00 a.m. (2 hours allowed) before the Honorable George H. Foster, Jr. in this Division at:**

**Maricopa County Superior Court
Old Court House
125 W. Washington
Courtroom 002
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably

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required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

Each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED THAT THE PARTIES SHALL FILE AND PROVIDE THIS DIVISION WITH A COPY OF A JOINT PRE-HEARING STATEMENT PURSUANT TO RULE 76, ARIZONA RULES OF FAMILY LAW PROCEDURE, NO LATER THAN 5 DAYS PRIOR TO THE HEARING.

IT IS FURTHER ORDERED THAT THE JOINT PRE-HEARING STATEMENT SHALL INCLUDE THE FOLLOWING ATTACHMENTS:

- 1. A CURRENT AFFIDAVIT OF FINANCIAL CIRCUMSTANCES.**
- 2. A CURRENT PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT COMPLETED BY EACH PARTY PURSUANT TO THE STATEWIDE CHILD SUPPORT GUIDELINES.**
- 3. IF THERE ARE DISPUTED CUSTODY, ACCESS OR VISITATION ISSUES, A SPECIFIC PROPOSAL FOR CUSTODY AND VISITATION BY EACH PARTY.**

IT IS FURTHER ORDERED THAT THE FAILURE OF COUNSEL OR ANY PARTY TO APPEAR AT THE TIME OF HEARING, OR TO TIMELY PRESENT THE JOINT PRE-HEARING STATEMENT IN PROPER FORM, INCLUDING EACH AND EVERY ATTACHMENT REQUIRED, SHALL, IN THE ABSENCE OF GOOD CAUSE SHOWN, RESULT IN THE IMPOSITION OF ANY AND ALL AVAILABLE SANCTIONS PURSUANT TO RULE 76(D) AND 91(Q), ARIZONA RULES OF FAMILY LAW PROCEDURE, INCLUDING PROCEEDING TO HEAR THIS MATTER BY DEFAULT BASED UPON THE EVIDENCE PRESENTED BY THE APPEARING PARTY. THE FAILURE TO SUBMIT A JOINT PRE-HEARING STATEMENT MAY CAUSE THE EVIDENTIARY HEARING TO BE VACATED AND RESET.

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IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's Clerk at **Maricopa County Superior Court Old Courthouse 125 W. Washington Suite 002 Phoenix, AZ no later than 12:00 p.m. on April 28, 2014 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to this Division and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the evidentiary hearing. If you make a written request before the evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT OUTLINING ALL MATERIAL TERMS OF THE SETTLEMENT IS SIGNED BY EACH PARTY OR A REPRESENTATIVE HAVING AUTHORITY TO DO SO AND PRESENTED TO THE COURT.**

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NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

NOTE: For questions regarding a minute entry you have received from this Division or for questions regarding your case, you may email the judicial assistant of this Division at dshinaba@superiorcourt.maricopa.gov.

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / The Honorable George H. Foster Jr.

THE HONORABLE GEORGE H. FOSTER JR.
JUDICIAL OFFICER OF THE SUPERIOR COURT

1:52 p.m. Matter Concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.